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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,558

11/25/2003

Timucin Ozgur

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05/28/2008

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INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

JOSEPH, TONYA S

ART UNIT

PAPER NUMBER

3628

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05/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,558

Applicant(s)

OZUGUR ET AL.

Examiner

TONYA JOSEPH

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-7 have been previously examined. Claim 1 has been amended. No claims have been added. No claims have been cancelled. Thus, Claims 1-7 are again presented for Examination.

Response to Arguments

112 ^{2nd} Rejections

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

103 Rejections

Applicant's arguments filed 03/20/2008 with respect to claims 1-7 have been fully considered but they are not persuasive.

Applicant argues with respect to claim 1 that Kannan in view of Ginsburg does not teach said presence information being displayed simultaneous with said user selectable option, said presence information assisting the user in deciding whether to select said user selectable option. Examiner notes: Ginsburg does teach this limitation (see Fig. 4 and pg. 4 of the most previous Office Action dated 11/19/2007).

In response to applicant's argument that modifying Kanaan to include Ginsburg would change the principle operation of Kanaan and render Kanaan unsatisfactory for its intended purpose, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would

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have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Furthermore, the Ginsburg reference was relied upon to show the state of the art at the time of invention. Ginsburg plainly demonstrates that presence information being displayed simultaneous with a user selectable option, said presence information assisting the user in deciding whether to select said user selectable option is not a novel concept. Moreover, each element claimed is taught in the combination of Kanaan and Ginsburg.

Accordingly, claims 2-7 are also unpatentable at least for the reasons described above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kannan U.S. Pre-Grant Publication No. 2001/0054064 A1 in view of Ginsburg U.S. Patent No. 6,064,730.

3. As per Claim 1, Kannan teaches an online customer support server that connects a group of customer support representatives to a user of a web site to provide real time customer support (see para. 21); an enterprise server that collects presence information from the customer support server regarding current availability of customer

support representatives in said group (see para. 72 lines 1-7, 165 and 197 lines 5-9 and Fig. 16), wherein said presence information is updated at regular, specified intervals; a web server that provides content to said web site, wherein the content includes said presence information provided by the enterprise server (see para. 72 lines 1-4 and 197 lines 5-9); and wherein said web server displays said presence information on said website and provides a user selectable option on said web site for requesting real time customer support (see para.88). Kannan does not explicitly teach the system taught by Ginsburg said presence information being displayed simultaneous with said user selectable option said presence information assisting the user in deciding whether to select said user selectable option (see Col. 2 lines 7-14 and Fig. 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kannan to include the teachings of Ginsburg to allow a customer to view a potential wait time before they accept a place in a queue as taught by Ginsburg, Col. 2 lines 56-65.

4. As per Claim 3, Kannan in view of Ginsburg teaches the system of claim 1 as described above. Kannan further teaches wherein the presence information further includes approximate waiting time for customer support representatives that are not currently available (see para. 197 lines 5-6).

5. As per Claim 4, Kannan in view of Ginsburg teaches the system of claim 1 as described above. Kannan further teaches wherein customer support representatives are designated according to skill set (see para. 28 lines 8-13. Examiner is interpreting qualifications as skill set).

6. As per Claim 5, Kannan in view of Ginsburg teaches the system of claim 4 as described above. Kannan further teaches wherein the web server provides a user selectable option for selecting customer support representatives by skill set (see para. 88 and para. 89 lines 6-15).

7. As per Claim 6, Kannan in view of Ginsburg teaches the system of claim 5 as described above. Kannan further teaches wherein the system uses cookies for skills based routing, wherein the cookies are used for mining customer information that is required to route calls in a specific way (para. 81 lines 6-8 and para. 83).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kannan U.S. Pre-Grant Publication No. 2001/0054064 A1 in view of Ginsburg U.S. Patent No. 6,064,730 in further view of Gourraud U.S. Pre-Grant Publication No. 2004/0122896 A1.

9. As per Claim 2, Kannan in view of Ginsburg teaches the system of claim 1 as described above. Kannan does not explicitly teach wherein the customer support server updates the presence information on the enterprise server via Session Initiation Protocol Publish messages. Gourraud teaches, First, the presence server 202 receives via the IP Multimedia Subsystem Core Network (IMS, IP multimedia network (IPMM) based on the SIP protocol, such as the one specified by 3GPP) network 211 a SIP PUBLISH message 210 with a presence XML document 212 that comprises one or more tuples with presence information about a given UE (not shown) (see para. 10 lines 9-15) It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Kannan and Ginsburg to include wherein the customer support server updates the presence information on the enterprise server via

Session Initiation Protocol Publish messages in order to allow network operators to provide presence services to their subscribers, as taught in Gourraud para. 7 lines 10-11).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kannan U.S. Pre-Grant Publication No. 2001/0054064 A1 in view of Ginsburg U.S. Patent No. 6,064,730 in further view of Hawkes et al. U.S. Pre-Grant Publication No. 20020055974 A1.

11. As per Claim 7, Kannan in view of Ginsburg teaches the system of claim 1 as described above. Kannan further teaches, wherein, said customer support server facilitates real time online support via a data connection between the user and a customer support representative if the customer support representative can connect to the user via the data connection (see para. 25 lines 3-7); Kannan does not explicitly teach and facilitates real time telephone support via a telephone connection between the user and the customer support representative if the customer support representative cannot connect to the user via the data connection and wherein the web server provides the user's telephone number to the customer support representative if the customer support representative cannot connect to the user via the data connection. Hawkes teaches, when the customer is browsing the Web and requests help, if the customer selects the deferred callback option from the Help web page, a further web page is served by the SMS 67 for the customer to enter his or her telephone number, the callback delay, and other items of information. This form is then submitted back to the SMS (see para. 249, Examiner is interpreting a customer selecting a deferred callback

option as a customer support representative not being able to connect to a user online, due to the user selection). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Kannan and Ginsburg to include wherein, if a customer support representative cannot connect to a user online, the web server provides the user's telephone number to the customer support representative to facilitate telephone support in order to establish a session at a later time as taught in Hawkes para. 247 line 1.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628